

AP 10588

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Claim Rejections – 35 U.S.C. §102

Claims 20, 33, and 34 were rejected under 35 U.S.C. §102(e) as being anticipated by US 2004/0069068 A1 (Thoma). Thoma's US filing date is later than the present application's priority date. A copy of a certified translation of the German priority document filed in the German Patent and Trademark Office on November 29, 2002, is included in this fax transmission. The original certified translation will follow in a physical mailing.

In the translation, the limitation of claim 33 and 34 are found on page 2 in lines 5 to 8 of the bottom paragraph, where it states the following:

The metal part (19) serves only for the gear of momentum outside the nominal steering torque range, [sic] and as an overload protection in the event of momentum resulting from misuse. The plastic part (18) is then deformed in the elastic area, and the corresponding metal part (19) comes into contact with the sun wheels (10/14).

The reference numerals can be found in Enclosure 2 in the center-right figure, which shows that the plastic parts 18 and the metal parts 19 are arranged coaxially on a common planetary carrier. The description above shows that the plastic parts deform under lower forces than the metal parts, which are hard enough to withstand some overload. Accordingly, claim 33 has the priority of the first filing date of November 29, 2002, so that it predates the US filing date of Thoma.

The same quote (see above) is the basis for claim 34 by stating that part 18 is made of plastic and part 19 is made of metal.

Additionally, the quote also describes how the plastic part comes into contact with the sun wheels first and is elastically deformed and how then the metal part makes contact with the sun wheels. Thus claim 20 also has the priority of the first filing date.

Applicant therefore believes that Thoma as 102(e) reference has been overcome and that claims 20, 33, and 34 are patentable.

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Claim Rejections – 35 U.S.C. §103

Claims 28, 32, and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lanzon in view of Thoma.

These three claims also predate Thoma.

Regarding claim 28, the translation of the priority document states in the first three lines of the bottom paragraph on page two that "the plastic part (18) . . . is radially offset from the metal part (19) by a positive profile displacement (20)."

Regarding claim 32, the translation of the priority document states in lines 3 and 4 on page 3 that "[t]he radial force (21) is preferably produced by means of a spring element (22) integrated into the gear casing (16/17)." See also Enclosure 2, top figure (reference numeral 22).

Regarding claim 35, see the center-right figure in Enclosure 2 and the first two lines of the bottom paragraph on page 2 stating that there are two planetary wheels 12 and 13, each with a plastic part 18 and a metal part 19.

Accordingly, Thoma cannot be used for a 103(a) rejection of claims 28, 32, or 35.

Therefore, claims 28, 32, and 35 are patentable as well.

SUMMARY

All pending claims predate the US filing date of the Thoma reference and are thus believed to be patentable.

Respectfully submitted,



Gerlinde Nattler
Registration No. 51,272
Continental Teves, Inc.
One Continental Drive
Auburn Hills, MI 48326
(248) 393-8721
Agent for Applicants

Enclosure: Copy of certified translation of priority document (original to follow)